

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19-cv-00183-MR**

DAMON M. MOBLEY,)
)
 Plaintiff,)
)
 vs.)
)
)
 JONATHAN TANKERSLY,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court on Plaintiff's letter to the Clerk.
[Doc. 45].

Pro se Plaintiff Damon M. Mobley ("Plaintiff") is currently incarcerated at Ashe County Jail in Jefferson, North Carolina.¹ This Court recently dismissed without prejudice Plaintiff's Complaint, which he brought pursuant to 42 U.S.C. § 1983. [Doc. 43]. Plaintiff has filed the pending letter directed to the Clerk of this Court in which Plaintiff takes issue with the recent dismissal of his case and requests "all documents, handwritten letters and depositions" and "all the files from [his] case" be sent to him. [Doc. 45 at 1].

¹ Plaintiff advises that he will be released from incarceration in less than a month.

Plaintiff states that he is “refiling [his] case the right way, with an attorney” in his county. [Id. at 1-2].

The Court declines to consider this letter and will strike it from the record in this matter. As Plaintiff was expressly directed in the Order of Instructions mailed to him on June 10, 2019: “Letters sent to the Clerk of Court or Judge will not be answered. Only Motions will be ruled on by the Court.” [Doc. 3 at ¶ 5]. Furthermore, “[o]nly documents properly filed with the Clerk of Court will be docketed in this case.” [Id. at ¶ 4]. Should the Plaintiff seek relief from the Court, he must file a proper motion with the Court. Should Plaintiff file documents in this case directed to the Clerk or to the undersigned in the future, they may be summarily dismissed and/or stricken.

In any event, it is not the job of this Court to send Plaintiff a copy of his entire file in this matter. It is Plaintiff’s duty to monitor his case and retain copies of relevant documents. Moreover, Plaintiff advises that he is retaining an attorney to represent him in pursuing this action further. As such, his attorney should be able to obtain these documents without aid of the Court.

ORDER

IT IS, THEREFORE, ORDERED that the Plaintiff's [Doc. 45] is hereby
STRICKEN from the record in this matter.

Signed: March 13, 2021

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
Chief United States District Judge

